



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of
HARUO SUGANO, et al.

Serial No.: 389,922

Filed: June 18, 1982

For: NOVEL DNA AND RECOMBINANT
PLASMID

RECEIVED

AUG 31 1983 Group Art Unit: 172

Examiner: A. Tanenholtz
GROUP 170

Honorable Commissioner of Patents
and Trademarks
Washington, D.C. 20231

NOTICE RE DEPOSIT OF MICROORGANISM

Sir:

The above-identified application discloses a microorganism which has been deposited with the American Type Culture Collection under the following designation:

Escherichia coli χ1776 TpIF 319-13 ATCC 31712

The deposit has been made pursuant to a contract between Applicants' employer, Juridical Foundation, Japanese Foundation for Cancer Research and The American Type Culture Collection, a copy of which is attached hereto. No restrictions have been placed upon access to the culture either during the pendency of this application or the term of any patent issued thereon, and no such restrictions will hereafter be made.

Juridical Foundation, Japanese Foundation for Cancer Research will replace the cultures if any should become non-viable.

The undersigned persons declare that all statements made herein of their knowledge are true and that all statement made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable.

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

The following is a quotation of 35 U.S.C. 103 which forms the basis for all obviousness rejections set forth in this Office action:

A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person

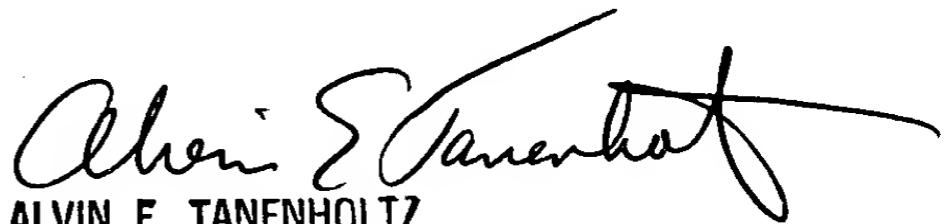
having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 6-29 are rejected under 35 U.S.C. 102a as anticipated by or, in the alternative, under 35 U.S.C. 103 as obvious over Colby et al. Colby et al disclose the same or substantially the same recombinant DNA, microorganism and method claimed herein.

A.E.TANENHOLTZ:vb

703-557-3611

2/14/83


ALVIN E. TANENHOLTZ
PRIMARY EXAMINER
ART UNIT 172